

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO: 21-173
v.	:	DATE FILED:
CUSHMIR McBRIDE	:	VIOLATIONS:
NASSER McFALL	:	18 U.S.C. § 844(n) (conspiracy to
	:	maliciously damage property used in
	:	interstate commerce by means of an
	:	explosive – 1 count)
	:	18 U.S.C. § 844(i) (maliciously
	:	damaging property used in interstate
	:	commerce by means of an explosive -
	:	6 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

BACKGROUND

At all times material to this superseding indictment:

1. An automated teller machine (hereinafter referred to as “ATM”) was an electronic banking outlet that allowed customers to complete basic financial transactions, such as banking deposits and cash withdrawals, without the aid of a branch representative or teller.
2. Target Corporation (hereinafter referred to as “Target”) was a national chain of convenience retail stores, operating multiple locations throughout the United States, including in the Eastern District of Pennsylvania. Target ordered and obtained supplies and merchandise from businesses throughout the United States and was a business engaged in

interstate commerce by providing customers with goods produced, purchased, and transported from other states to Pennsylvania.

3. Target had a store located at 2701 Castor Avenue, Philadelphia, Pennsylvania (hereinafter referred to as “the Castor Avenue Target”). The Castor Avenue Target sold products that were manufactured outside the Commonwealth of Pennsylvania. The Castor Avenue Target housed an ATM that was owned and operated by Capitol One Bank. The Castor Avenue Target was closed for business on October 28, 2020, because of civil unrest in Philadelphia, Pennsylvania. Despite the store closure, during the early morning hours on October 28, 2020, widespread looting occurred at the Castor Avenue Target.

4. Wawa was a chain of deli and convenience retail stores, operating multiple locations throughout Southeastern Pennsylvania and surrounding areas. Wawa ordered and obtained supplies and merchandise from businesses that were located in Pennsylvania and other states in the United States and was a business that was engaged in interstate commerce by providing customers with goods produced, purchased, and transported from other states to Pennsylvania.

5. Wawa had stores located at 3230 Richmond Street, Philadelphia, Pennsylvania (hereinafter referred to as “the Richmond Street Wawa”), 7001 Roosevelt Boulevard, Philadelphia, Pennsylvania (hereinafter referred to as “the Roosevelt Boulevard Wawa”), and 301 Ridge Road, Claymont, Delaware (hereinafter referred to as “the Ridge Road Wawa”). The Wawa stores sold cigarettes and other products that were manufactured outside of the Commonwealth of Pennsylvania and the State of Delaware. The Wawa locations house ATMs that were owned and operated by PNC Bank. The Richmond Street Wawa and the

Roosevelt Boulevard Wawa stores were closed for business on October 29, 2020 and October 31, 2020, because of civil unrest in Philadelphia, Pennsylvania. The Ridge Road Wawa opened for business at 4:30 a.m. on November 4, 2020.

6. Wells Fargo Bank operated an ATM located at 4600 Roosevelt Boulevard, Philadelphia, Pennsylvania.

7. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, charged elsewhere, were not employees of Target or Wawa and had no permission to enter the Castor Avenue Target store on October 28, 2020, the Richmond Street Wawa on October 29, 2020, and the Roosevelt Boulevard Wawa on October 31, 2020.

THE CONSPIRACY

8. From at least on or about October 28, 2020, through on or about March 2, 2021, in the Eastern District of Pennsylvania, and elsewhere, defendants

**CUSHMIR McBRIDE and
NASSER McFALL**

conspired and agreed together and with Person #1, charged elsewhere, to maliciously damage and destroy, and attempt to damage and destroy, by means of fire or an explosive, any building, vehicle, and other real and personal property used in interstate and foreign commerce and in any activity affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 844(i).

MANNER AND MEANS

It was part of the conspiracy that:

9. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, planned to use explosive devices to damage property, specifically ATMs, to gain access to and steal United States currency contained inside the ATMs.

10. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, drove in vehicles to locations with ATMs, for the purpose of detonating explosives to destroy the ATMs, and to steal the United States currency contained inside the ATMs.

11. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, used tools, including but not limited to, hammers, axes, saws, crowbars, and other equipment, and wore construction clothing to facilitate and carry out their plan to destroy ATMs with explosive devices and to steal the United States currency contained inside the ATMs.

12. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, entered or broke into businesses to gain access to ATMs inside, and used explosives to destroy the ATMs and to steal the United States currency contained inside the ATMs.

13. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, covered their faces with masks and wore other items of clothing to conceal their identities and to evade capture by law enforcement.

14. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, attempted to conceal the vehicle identification numbers and used stolen registration plates on their vehicles to evade detection by law enforcement.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, committed the following overt

acts, among others, in the Eastern District of Pennsylvania, the District of Delaware and elsewhere:

October 28, 2020
The Castor Avenue Target

1. On or about October 28, 2020:
 - a. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, drove together in a vehicle to the Castor Avenue Target.
 - b. After arriving at the Castor Avenue Target, defendant CUSHMIR McBRIDE and Person #1, wearing masks to conceal their identities, entered the store carrying tools, and defendant NASSER McFALL remained in the vehicle as the lookout and getaway driver.
 - c. After entering the Castor Avenue Target, defendant CUSHMIR McBRIDE retrieved a safety vest from the floor of the Target and put it on. Defendant CUSHMIR McBRIDE and Person #1 then used the tools to break open the ATM. Person #1 then placed an explosive device inside of the ATM and lit it. The explosive device detonated, damaging the ATM, and allowing defendant McBRIDE and Person #1 to gain access to the United States currency inside.
 - d. Defendant CUSHMIR McBRIDE and Person #1, stole approximately \$39,628 from the ATM, left store, and rejoined defendant NASSER McFALL in the getaway vehicle.
 - e. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, fled the area in their vehicle.

October 29, 2020
The Richmond Street Wawa

2. On or about October 29, 2020:

a. Defendants CUSHMIR McBRIDE, and NASSER McFALL, and

Person #1, drove together in a vehicle to the Richmond Street Wawa.

b. After arriving at the Richmond Street Wawa, defendant

CUSHMIR McBRIDE and Person #1, wearing construction safety vests, and masks to conceal their identities, and carrying crowbars, unsuccessfully attempted to break into the Richmond Street Wawa through a side door. The men then forcibly entered the store through the front door, while defendant NASSER McFALL remained in the vehicle as the lookout and getaway driver.

c. While inside the Richmond Street Wawa, defendant CUSHMIR

McBRIDE and Person #1 used pry bars to open two PNC Bank ATMs.

d. After breaking open the ATMs with the tools, defendant

CUSHMIR McBRIDE placed an explosive device inside of the ATM and lit it. The explosive device detonated, damaging the ATM, and allowing defendant McBRIDE and Person #1 to gain access to the United States currency inside.

e. Defendant CUSHMIR McBRIDE and Person #1 stole the

approximately \$150,610 from the ATMs, placed the stolen money in a trash can from store, left store, and rejoined defendant NASSER McFALL in the getaway vehicle.

f. Defendant CUSHMIR McBRIDE and NASSER McFALL, and

Person #1, fled the area in their vehicle and drove to a secure location near the

Pennsylvania/Delaware border.

October 31, 2020
The Richmond Street Wawa

3. On or about October 31, 2020:
 - a. Defendant CUSHMIR McBRIDE and Person #1 drove together in a vehicle to the Richmond Street Wawa.
 - b. Defendant CUSHMIR McBRIDE and Person #1 entered the vestibule, wearing masks to conceal their identities, looked around, then quickly left the Richmond Street Wawa, returned to their vehicle, and fled the area.

October 31, 2020
The Roosevelt Boulevard Wawa

4. On or about October 31, 2020:
 - a. Defendant CUSHMIR McBRIDE and Person #1 drove together in a vehicle to the Roosevelt Boulevard Wawa.
 - b. Defendant CUSHMIR McBRIDE and Person #1, wearing masks to conceal their identities, and one of whom was carrying a crowbar and wearing a construction safety vest, broke into the Roosevelt Boulevard Wawa by forcing open a rear door.
 - c. One of the men placed an explosive device inside the ATM and lit it. The explosive device detonated, damaging the ATM, and allowed the men to gain access to the interior of the ATM. After finding no money inside the ATM, defendant CUSHMIR McBRIDE and Person #1 fled the store, returned to their vehicle, and fled from the area.

November 5, 2020
The Ridge Road Wawa

5. On or about November 5, 2020:

a. Defendants CUSHMIR McBRIDE and Person #1 drove together in a vehicle from Philadelphia to Claymont, Delaware, and met defendant NASSER McFALL.

b. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, drove together to the Wawa, located at 601 Naamans Road, Claymont, Delaware (hereinafter referred to as “the Naamans Road Wawa”) in Person #1’s vehicle, which had its vehicle identification number covered and a stolen registration plate affixed to it, in order to conceal the identity of the true owner of the vehicle.

c. After arriving at the Naamans Road Wawa, defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, parked the vehicle and remained for a brief time. Defendants McBRIDE and McFALL, and Person #1, then drove out of the parking lot and left the area.

d. After leaving the Naamans Road Wawa, defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, drove together in Person #1’s vehicle to the Ridge Road Wawa.

e. After arriving at the Ridge Road Wawa, defendant CUSHMIR McBRIDE and Person #1 entered the store, which was open for business, while wearing construction safety vests, masks to conceal their identities, and armed with crowbars, as defendant NASSER McFALL remained in the vehicle as the lookout and getaway driver.

f. After entering the Ridge Road Wawa, Person #1 locked the door behind them, preventing the employees inside from leaving and further preventing anyone from entering the store.

g. Person #1 brandished the crowbar, corralled the store employees, forced them to sit on the floor, and demanded their cellular telephones. Defendant CUSHMIR McBRIDE approached the ATM, placed an explosive device into an ATM, and lit it. The explosive device detonated, damaging the ATM, but defendant McBRIDE and Person #1 were unable to gain access to the United States currency inside.

h. Defendant CUSHMIR McBRIDE and Person #1 fled the store and rejoined defendant NASSER McFALL in the getaway vehicle.

i. Defendants CUSHMIR McBRIDE and NASSER McFALL, and Person #1, fled the area in their vehicle.

December 2, 2020
Wells Fargo ATM at 4600 Roosevelt Boulevard

6. On or about December 2, 2020:

a. Defendant CUSHMIR McBRIDE and Person #1 drove together in a vehicle to the Wells Fargo ATM, located at 4600 Roosevelt Boulevard, Philadelphia, Pennsylvania.

b. Defendant NASSER McFALL drove in a separate vehicle to the Wells Fargo ATM, located at 4600 Roosevelt Boulevard, Philadelphia, Pennsylvania.

c. Defendant CUSHMIR McBRIDE and Person #1 wore construction safety vests, and masks to conceal their identities.

d. Defendant CUSHMIR McBRIDE and Person #1 left the vehicle, set up orange traffic cones in the parking lot, and approached the ATM where Person #1 and defendant McBRIDE placed an explosive device inside the ATM and lit it. The explosive device detonated, damaging the ATM, but Person #1 and defendant McBRIDE were unable to gain

access to the United States currency inside. Defendant McBRIDE and Person #1 placed a second explosive device inside of the ATM and lit it. The explosive device detonated, causing further damage to the ATM, and allowing defendant McBRIDE and Person #1 to gain access to the United States currency inside.

e. As defendant CUSHMIR McBRIDE and Person #1 were stealing money from the ATM, defendant NASSER McFALL stayed in his vehicle, and acted as a lookout for any police or law enforcement activity.

f. Defendant CUSHMIR McBRIDE and Person #1 stole approximately \$65,845 from the ATM and fled the area in their vehicle.

g. Defendant CUSHMIR McBRIDE and Person #1 met defendant NASSER McFALL to distribute the proceeds from the robbery of the Wells Fargo ATM on December 2, 2020.

March 2, 2021
Wells Fargo ATM at 7782 Crittenden Street

7. On or about March 2, 2021:

a. Defendant CUSHMIR McBRIDE, and persons unknown to the grand jury, wearing hard hats and safety vests, drove together in a vehicle to Grassworks Incorporated, 12 Kelly Street, Lansdowne, Pennsylvania, and stole a GMC Isuzu dump truck bearing the labeled “Grassworks Landscaping.”

b. Defendant CUSHMIR McBRIDE, and persons unknown to the grand jury, drove the GMC Isuzu dump truck bearing the labeled “Grassworks Landscaping” to 7782 Crittenden Street, Philadelphia, Pennsylvania, exited the vehicle wearing hard hats, safety vests, gloves and masks to conceal their identities, and approached a Wells Fargo ATM.

c. Defendant CUSHMIR McBRIDE, and persons unknown to the grand jury, then used tools to break open the ATM. Defendant McBRIDE and persons known and unknown to the grand jury then placed an explosive device inside of the ATM and lit it. The explosive device detonated, damaging the ATM, and allowing access to the United States currency inside.

d. Defendant CUSHMIR McBRIDE, and persons unknown to the grand jury, stole approximately \$161,380 from the ATM.

e. Defendant CUSHMIR McBRIDE, and persons unknown to the grand jury, fled the area in the GMC Isuzu dump truck bearing the labeled “Grassworks Landscaping.”

All in violation of Title 18, United States Code, Section 844(n).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 9 through 14, and Overt Act 1 of Count One of this superseding indictment are incorporated here.
2. On or about October 28, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CUSHMIR McBRIDE and
NASSER McFALL,**

and Person #1, charged elsewhere, maliciously damaged and destroyed, and aided and abetted and willfully caused the malicious damaging and destruction of, by means of an explosive, property used in interstate commerce and in activities affecting interstate commerce, that is, an automated teller machine, operated by Capital One Bank, inside the Target store located at 2701 Castor Avenue in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Sections 844(i), 2(a) and (b).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 4, 5 and 9 through 14, and Overt Act 2 of Count One of this superseding indictment are incorporated here.
2. On or about October 29, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CUSHMIR McBRIDE and
NASSER McFALL,**

and Person #1, charged elsewhere, maliciously damaged and destroyed, and aided and abetted and willfully caused the malicious damaging and destruction of, by means of an explosive, property used in interstate commerce and in activities affecting interstate commerce, that is, two automated teller machines, operated by PNC Bank, inside of the Wawa store located at 3230 Richmond Street in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Sections 844(i), 2(a) and (b).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 4, 5, and 9 through 14, and Overt Act 4 of Count One of this superseding indictment are incorporated here.
2. On or about October 31, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

CUSHMIR McBRIDE,

and Person #1, charged elsewhere, maliciously damaged and destroyed, and aided and abetted and willfully caused the malicious damaging and destruction of, by means of an explosive, property used in interstate commerce and in activities affecting interstate commerce, that is, an automated teller machine, operated by PNC Bank, inside of the Wawa store located at 7001 Roosevelt Boulevard in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Sections 844(i), 2(a) and (b).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 4, 5, and 9 through 14, and Overt Act 5 of Count One of this superseding indictment are incorporated here.
2. On or about November 5, 2020, in Claymont, in the District of Delaware, defendants

**CUSHMIR McBRIDE and
NASSER McFALL,**

and Person #1, charged elsewhere, maliciously damaged and destroyed, and aided and abetted and willfully caused the malicious damaging and destruction of, by means of an explosive, property used in interstate commerce and in activities affecting interstate commerce, that is, an automated teller machine, operated by PNC Bank, inside of the Wawa store located at 301 Ridge Road in Claymont, Delaware.

In violation of Title 18, United States Code, Sections 844(i), 2(a) and (b).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 6 and 9 through 14, and Overt Act 6 of Count One of this superseding indictment are incorporated here.
2. On or about December 2, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**CUSHMIR McBRIDE and
NASSER McFALL,**

and Person #1, charged elsewhere, maliciously damaged and destroyed, and aided and abetted and willfully caused the malicious damaging and destruction of, by means of an explosive, property used in interstate commerce and in activities affecting interstate commerce, that is, an automated teller machine, operated by Wells Fargo, located at 4600 Roosevelt Boulevard in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Sections 844(i), 2(a) and (b).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 6 and 9 through 14, and Overt Act 7 of Count One of this superseding indictment are incorporated here.
2. On or about March 2, 2021, in Philadelphia, in the Eastern District of Pennsylvania, defendant

CUSHMIR McBRIDE,

and persons unknown to the grand jury, maliciously damaged and destroyed, and aided and abetted and willfully caused the malicious damaging and destruction of, by means of an explosive, property used in interstate commerce and in activities affecting interstate commerce, that is, an automated teller machine, operated by Wells Fargo, located at 7782 Crittenden Street, in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Sections 844(i), 2(a) and (b).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 844(n) and 844(i), as set forth in this superseding indictment, defendants

**CUSHMIR McBRIDE and
NASSER McFALL**

shall forfeit to the United States of America:

1. any explosive materials involved or used or intended to be used in the commission of such offenses;

2. any property, real or personal, that constitutes or is derived from proceeds traceable to, and obtained directly or indirectly as a result of, the commission of such violations, including, but not limited to, the sum of \$39,628 stolen from the Capitol One ATM, located inside the Target store at 2701 Castor Avenue Street, Philadelphia, Pennsylvania on October 28, 2020; the sum of \$150,610 stolen from the PNC Bank ATM, located inside the Wawa store at 3230 Richmond Street, Philadelphia, Pennsylvania on October 29, 2020; and the sum of \$65,845 stolen from the Wells Fargo ATM located at 4600 Roosevelt Boulevard, Philadelphia, Pennsylvania on December 2, 2020; and the sum of \$161,380 stolen from the Wells Fargo ATM located at 7782 Crittenden Street, Philadelphia, Pennsylvania on March 2, 2021.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

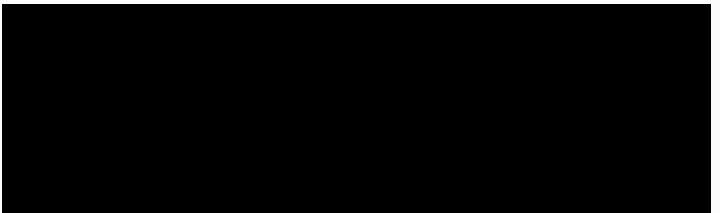
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;

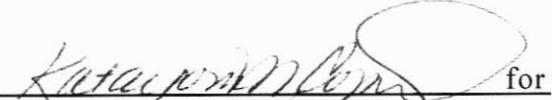
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 844(c)(1), 981(a)(1)(C), and 982(a)(2)(B), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:



 for
JENNIFER ARBITTIER WILLIAMS
United States Attorney

No. 2020-00773

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania
Criminal Division

THE UNITED STATES OF AMERICA

vs.
CUSHMIR McBRIDE
NASSER McFALL

SUPERSEDING INDICTMENT

Counts

18 U.S.C. § 844(n) (conspiracy to maliciously damage property used in interstate commerce by means
of an explosive – 1 count)

18 U.S.C. § 844(i) (maliciously damaging property used in interstate commerce by means of an
explosive - 6 counts)

18 U.S.C. § 2 (aiding and abetting)
Notice of forfeiture

Filed in open court this _____ day,
Of _____ A.D. 20_____

Clerk

Bail, \$ _____